

March 1, 2023

VIA ECF & EMAIL

The Honorable Katherine Polk Failla
United States District Court
Southern District of New York
40 Foley Square, Room 2103
New York, NY 10007

Failla_NYSDChambers@nysd.uscourts.gov

Re: *Consumer Financial Protection Bureau and the People of the State of New York
v. MoneyGram International, Inc. and MoneyGram Payment Systems, Inc.*
Case No. 22-cv-3256 (KPF)

Dear Judge Failla:

In its order staying this case, the Court directed the parties to promptly file a joint letter apprising the Court of the Supreme Court's decision to grant or deny the Bureau's then-pending petition for a writ of certiorari in *CFPB v. Community Financial Services Ass'n*, No. 22-448 ("CFSA"). See ECF No. 52 at 8. The parties provide the following joint update.

On February 27, the Supreme Court granted the Bureau's petition, which presents the question whether the Fifth Circuit erred in holding that the statute providing funding to the Bureau, 12 U.S.C. § 5497, violates the Appropriations Clause, U.S. Const. Art. I, § 9, Cl. 7, and in vacating a rule promulgated at a time when the CFPB was receiving such funding. See Orders List (Feb. 27, 2023), https://www.supremecourt.gov/orders/courtorders/022723zor_6537.pdf; Pet. for Writ. of Cert., *CFSA*, 2022 WL 16951308 (filed Nov. 14, 2022). The Court's order granting certiorari did not grant the Bureau's request for expedited briefing. Absent an additional order from the Court, the parties expect that the case will be decided next term.

In accordance with ECF Rule 8.5, the filing party represents the consent of the other parties to the signing and filing of this joint letter.

Respectfully submitted,

s/ Ephraim Wernick
EPHRAIM (FRY) WERNICK
2200 Pennsylvania Ave., NW, Ste. 500 West
Washington, DC 20037
Tel: (202) 639-6730
Fax: (202) 879-8813
Email: ewernick@velaw.com

s/ Rebecca Smullin
REBECCA SMULLIN
ERIN MARY KELLY
SAMUEL TAXY
Enforcement Attorneys
1700 G Street NW
Washington, DC 20552
Email: rebecca.smullin@cfpb.gov

Attorney for Defendants MoneyGram
International, Inc. and MoneyGram Payment
Systems, Inc.

Email: erin.kelly@cfpb.gov
Email: samuel.taxy@cfpb.gov
Telephone: 202-435-7546 (Smullin)
Telephone: 202-435-7367 (Kelly)
Telephone: 202-435-7551 (Taxy)

Attorneys for Plaintiff
Consumer Financial Protection Bureau

s/ Jason L. Meizlish
JASON L. MEIZLISH
Assistant Attorney General
Bureau of Consumer Frauds and Protection
Office of the New York State Attorney General

28 Liberty Street
New York, NY 10005
Email: Jason.Meizlish@ag.ny.gov
Telephone: 212-416-8455

Attorney for Plaintiff
State of New York